



THE LAW OFFICES OF  
JUDITH VARGAS

MEMORANDUM ENDORSED  
Denied substantially  
for reasons set out in  
government letter of  
March 31, 2020.

*[Signature]*  
USDJ  
3.31.2020

March 29, 2020

Via ECF

Hon. Lewis A. Kaplan  
United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

Re: United States v. Miguel Colon, 11-CR-59 (LAK)  
Emergency Request for Release on Bail in Light of COVID-19 Pandemic and Threat to BOP  
Inmates

Honorable Judge Kaplan:

Miguel Colon urgently and respectfully moves the Court for an order granting his release on bail in light of the current nationwide emergency health crisis. Information now exists that was not known at the time of Mr. Colon's last court appearance "that has a material bearing on the issue whether there are conditions of release that will reasonably assure the appearance of [Mr. Colon] as required and the safety of the community." See 18 U.S.C. § 3142(f). If released, Mr. Colon will return to his home in the Bronx, where he resides with his domestic partner, with electronic monitoring. The government does not consent to our request, however the current health emergency constitutes an exigency warranting Mr. Colon's immediate release.

We make this request for Mr. Colon's immediate release from the Metropolitan Correctional Center (MCC) in light of the rapidly changing public health crisis that imperils Mr. Colon's physical and mental health. See 18 U.S.C. § 3142(g)(3)(A) (listing a person's "physical and mental condition" as one of the release factors to be considered in a bail application).

Mr. Colon, who is 30 years old and suffers from asthma, is in the high-risk category for COVID-19 as defined by the Centers for Disease Control.<sup>1</sup> Yesterday, we learned that Mr. Colon has been identified by the MCC itself as a vulnerable inmate under CDC guidelines. Since January 2020, he has been incarcerated in MCC New York on a violation of supervised release warrant, where he is now housed in a shared dorm space with more than 96 other at-risk inmates, all of whom share a single toilet and 6 showers, of which only 4 work. Earlier this week, the Bureau of Prisons disclosed that an MCC inmate had tested positive for COVID-19. I also learned recently that at least two other inmates in MCC may have tested positive. Just today Mr. Colon sent me the following via email: "there are 6 showers (with only 4 work) for a total of 96 inmates. I'm really concerned at this point there are various inmates in my unit that are starting to show symptoms and the medical staff are not providing test or medical assistance unless they said "symptoms are showing signs of fatality. officers that are working with infected inmates also come to work this unit maximizing the chances of spread." "

<sup>1</sup> See CDC, *Coronavirus Disease 2019 (COVID-19), People Who Need Extra Precaution*, by the Centers for Disease Control and Prevention, at <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-higher-risk.html>.